

Order

Michigan Supreme Court
Lansing, Michigan

March 23, 2011

141779

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

PAUL ALLISON CORRIN, SR.,
Defendant-Appellee.

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

SC: 141779
COA: 290747
Lenawee CC: 07-013418-FH

By order of November 22, 2010, the application for leave to appeal the July 27, 2010 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Smith* (Docket No. 140371). On order of the Court, the case having been decided on December 29, 2010, 488 Mich 193 (2010), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals. Offense variable (OV) 19 was properly scored by the trial court because that offense variable provides for the consideration of conduct after the completion of the sentencing offense. *People v Smith*, 488 Mich 193 (2010). OV 12 was properly scored by the trial court for the reasons stated in the Court of Appeals dissent. The psychological injury suffered by the victim's family members and the likelihood of the defendant reoffending were properly considered by the trial court as substantial and compelling reasons that justify a departure from the statutory sentencing guidelines. Further, we are not persuaded that the standards set forth in *People v Hill*, 221 Mich App 391, 398 (1997), require reassigning the case to a different judge. Accordingly, we REMAND this case to the Lenawee Circuit Court so that the resentencing ordered by the Court of Appeals can occur before the same judge. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



0316

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 23, 2011

Corbin R. Davis

Clerk